

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JOSEPH A. COCHRAN, JR., Plaintiff,	:	C.A. No. 1:06 cv 00697
	:	
	:	
v.	:	
	:	
J.B. HUNT TRANSPORT, INC.	:	
and JAMES W. REED,	:	
Defendants.	:	

**DEFENDANTS', J.B. HUNT TRANSPORT, INC. AND JAMES W. REED, RESPONSE
IN OPPOSITION TO PLAINTIFF'S MOTION TO EXTEND DEADLINE TO
IDENTIFY AN ECONOMIC EXPERT**

Defendants, J.B. Hunt Transport, Inc. and James W. Reed, through their attorneys, Rawle & Henderson, LLP, hereby oppose Plaintiff's Motion to Extend Deadline to Identify an Economic Expert and in support avers as follows:

1. Denied as stated. The Case management Order agreed to by the parties required reports from retained experts required by Fed. R. Civ. P. 26(a) (2) were due from the plaintiff(s) by October 12, 2007. Plaintiff produced the report of Dr. Cucuzzella.

2. Denied in part and admitted in part. Plaintiff's deposition was attempted to be scheduled in September, 2007. Counsel for the plaintiff advised of the date he was available, October 31, 2007. Plaintiff was well aware of the deadlines and that discovery was ongoing. The case management order was filed on March 21, 2007. Counsel for plaintiff had ample opportunity to discuss the case with his client. To date, plaintiff has not provided any documents regarding his duty as a reservist. In fact, in the verified response to answers to an interrogatory about the name of each employer, including description of duties and average weekly wages- plaintiff responded "that the information had already been provided to the defendants and Defendants' attorney has already subpoenaed and received Plaintiff's employment information."

Plaintiff's responses were received on October 30, 2007, the day before the deposition.

Additionally, plaintiff provided no documentation at all in Responses to Request for Production.

Plaintiff reiterated that the expert disclosures were served on October 12, 2007. Plaintiff had in excess of six months to investigate its claims and evaluate the alleged damages. Now after the deadline plaintiff seeks an extension.

3. Admitted. This request is untimely and without justification. The defendants are prejudiced as no documentation has been provided by plaintiff concerning the US Marines. Further, plaintiff testified that he has no information about when or if he will be discharged.

4. Admitted in part and denied in part. Counsel made inquiry whether defendants would object to submitting a late report. (See emails attached collectively as Exhibit A.) He made no suggestions other than to ask about a late form.

5. Denied. Defendants are prejudiced by this late amendment, because they have not had the opportunity to fully explore future wage or economic loss as no claim was made or information provided before this Motion. Defendants have not retained a vocational or economist. Depositions of the U.S. Marine Corps personnel relating to his employment were not anticipated and have not been scheduled. Further, the exact persons who have information are unknown. Defendants are unable to address this issue because plaintiff testified that he had no knowledge of his pay or when he would be discharged. Additionally, plaintiff had no information as to the criteria for medical release. Thus, this information and much more is necessary to defend and learn in order to evaluate the claim. By plaintiff's intentional delay, the defendants are prejudiced. At this time, given the scant information learned in plaintiff's deposition, defendants will need more discovery and records. The situation is further

compounded by the fact that Plaintiff has been involved in two subsequent accidents and had shoulder surgery which is unrelated to the accident.

WHEREFORE, Defendants respectfully request that this Honorable Court enter the attached Order denying Plaintiff's Motion to Extend the Deadline to Name an Economic Expert.

RAWLE & HENDERSON LLP

By: /s/ Delia A. Clark
Delia A. Clark
Attorneys for Defendants,
J.B. Hunt Transport, Inc. and
James W. Reed

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the within-captioned DEFENDANTS' J.B. HUNT TRANSPORT, INC. AND JAMES W. REED, RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION TO EXTEND was served via first-class mail, postage prepaid, on the below listed individuals on this 9th day of November 2007:

Timothy E. Lengkeek
YOUNG, CONAWAY, STARGATT & TAYLOR
1000 West Street, 17th Floor
PO Box 391
Wilmington, DE 19899-0391

RAWLE & HENDERSON LLP

By: /s/ Delia A. Clark
Delia A. Clark
Attorneys for Defendants,
J.B. Hunt Transport, Inc.
and James Reed

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Plaintiff,

v.

J.B. HUNT TRANSPORT, INC.
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ORDER

At Wilmington, this _____ day of _____, 2007, upon
consideration of Plaintiff's Motion to Extend deadline to Identify and Economic Expert and
Defendants' Response in Opposition to same, it is hereby ORDERED that Plaintiff's Motion is
DENIED.

UNITED STATES DISTRICT JUDGE

Exhibit A

Delia Clark

From: Lengkeek, Timothy [tlengkeek@ycst.com]
Sent: Wednesday, October 31, 2007 3:06 PM
To: Delia Clark
Subject: RE: Cochran

Thanks for getting back to me. I'm going to move for the Court for an order giving me a brief extension. This just simply slipped off my radar screen.

-----Original Message-----

From: Delia Clark [mailto:dclark@rawle.com]
Sent: Wednesday, October 31, 2007 3:05 PM
To: Lengkeek, Timothy
Subject: RE: Cochran

yes because it is past due and this information was within your possession

-----Original Message-----

From: Lengkeek, Timothy [mailto:tlengkeek@ycst.com]
Sent: Wednesday, October 31, 2007 2:21 PM
To: Delia Clark
Subject: Cochran

Delia-

I need to get an economic report for the lost wages from the reserves. Do you have an objection to my getting one? Please advise,

Tim

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